

135 East 57th Street, Floor 34
New York, NY 10022
www.howrey.com
William O. Purcell
Partner
T 212.896.6538
F 212.896.6501
purcellw@howrey.com

RECEIVED
FEB 25 2008

HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

February 22, 2008

BY FAX: (212) 805-7901

The Honorable Harold Baer, Jr.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2230
New York, NY 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/26/08

Re: *Diario El Pais, S.L., et al., v. The Nielsen Company (US), Inc.*
Index No. 07 Civ. 11295 (HB) (GWG)

Dear Judge Baer:

Our firm is counsel for plaintiffs, Diario El Pais and Prisacom, S.A., in the above-captioned action.

On February 8, 2008, defendant, The Nielsen Company (US), Inc., filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6). Pursuant to Your Honor's Individual Practice 4(A)(i), we write to inform you of our intent to file an amended pleading which will itemize the special damages suffered by plaintiffs. However, we believe such information is confidential business information. Accordingly, before filing an amended complaint, we would like to agree with the other side on a Protective Order for confidential information which can be submitted to the Court for approval. Once that is done, we would submit the amended complaint to the Court with a request that the portion containing confidential business information be filed under seal.

Thus, plaintiffs respectfully request that the time to respond to the pending motion to dismiss be stayed until a stipulated protective order is in place, and a portion of the amended complaint has been submitted to the Court to be filed under seal. At that time, defendant may submit a renewed motion to dismiss or any other response. A proposed briefing schedule for the aforementioned events will be provided to Your Honor at the March 20, 2008 Pre-Trial Conference, if not before then. We have spoken with counsel for defendant and they have no objection to this request.

AMSTERDAM BRUSSELS CHICAGO EAST PALO ALTO HOUSTON IRVINE LONDON LOS ANGELES
MUNICH NEW YORK NORTHERN VIRGINIA PARIS SALT LAKE CITY SAN FRANCISCO TAIPEI WASHINGTON, DC

DM_US:21025559_1

In accordance with your Honor's individual practices, enclosed is a current copy of the docket report printed from PACER.

Respectfully submitted,

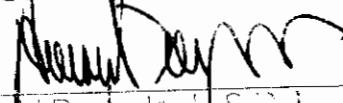
William O. Purcell

William O. Purcell

cc by email: Leslie G. Fagan, Esq.
Aidan Synnott, Esq.

Just be sure I hear
from you on or before 3/20/04
to 10 hearing from you this
plan seems to have no bid
I like tests so I am
sure of when we are
wks on the other hand I
don't like sealing orders
so be as careful as you
can on that score
see you on the 20th

SO ORDERED:



2/25/04

Endorsement:

Just be sure I hear from you on or before 3/20/08. Without hearing from you this plan seems to have no lid I like lids - so I am sure of where we are going and why. On the other hand I don't like sealing orders so be as careful as you can on that score - see you on the 20th.